IN THE UNITED STATES DISTRICT COURT FOR
THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION

RBH ENERGY, LLC,	§	Case No.: _________________
	§	
Plaintiff,	§	
	§	
v.	§	
	§	
	§	JURY TRIAL DEMANDED
EIKON CONSULTING GROUP, LLC,	§	
	§	
Defendant.	§	

ORIGINAL COMPLAINT FOR COPYRIGHT INFRINGEMENT

Plaintiff RBH Energy, LLC ("RBH"), by counsel, alleges as follows for its Original Complaint for Copyright Infringement against Defendant Eikon Consulting Group, LLC, ("Defendant"), and request relief from this Court based on the following:

THE PARTIES

1. Plaintiff RBH is a Texas limited liability company with its principal place of business located at 2908 Windstone Court, Bedford, TX 76021.

2. Defendant Eikon Consulting Group, LLC is a Texas limited liability company with its principal place of business located at 1405 W. Chapman Dr., Sanger, TX 76266. It can be served through its registered agent for service of process, Jeff Isbell, who is located at 967 Morrow Road, Valley View, TX 76272.

JURISDICTION AND VENUE

3. This is a suit for copyright infringement under the United States Copyright Act of 1976, 17 U.S.C. § 101, *et seq*.

4. This Court has jurisdiction over Plaintiff's claims for copyright infringement pursuant to 28 U.S.C. §§ 1331 and 1338(a).

5. Venue is proper in this Court pursuant to 28 U.S.C. §§ 1391(b)(2) and 1400(a).

BACKGROUND

6. RBH realleges paragraphs 1 through 5 as if fully set forth herein.

7. RBH is the owner of U.S. Copyright No. VAu 722-458 (“Copyright”) titled Brian Harness Photography Collection 2007 Vol. IV. A true and correct copy of the copyright is attached hereto as Exhibit A.

8. The named artist of the Copyright is Brian Harness (“Harness”). *See id.*

9. Because Mr. Harness’s income and livelihood as an independent, professional photographer depends, in part, on his ability to control the use of his intellectual property, including the photographs covered by the Copyright, Harness is diligent in obtaining registered copyrights and enforcing those copyrights against unlawful use, including the unlawful use by the Defendant in this matter.

10. On May 10, 2017, Harness assigned the Copyright to RBH. A true and correct copy of the assignment is attached hereto as Exhibit B at ¶ 1.

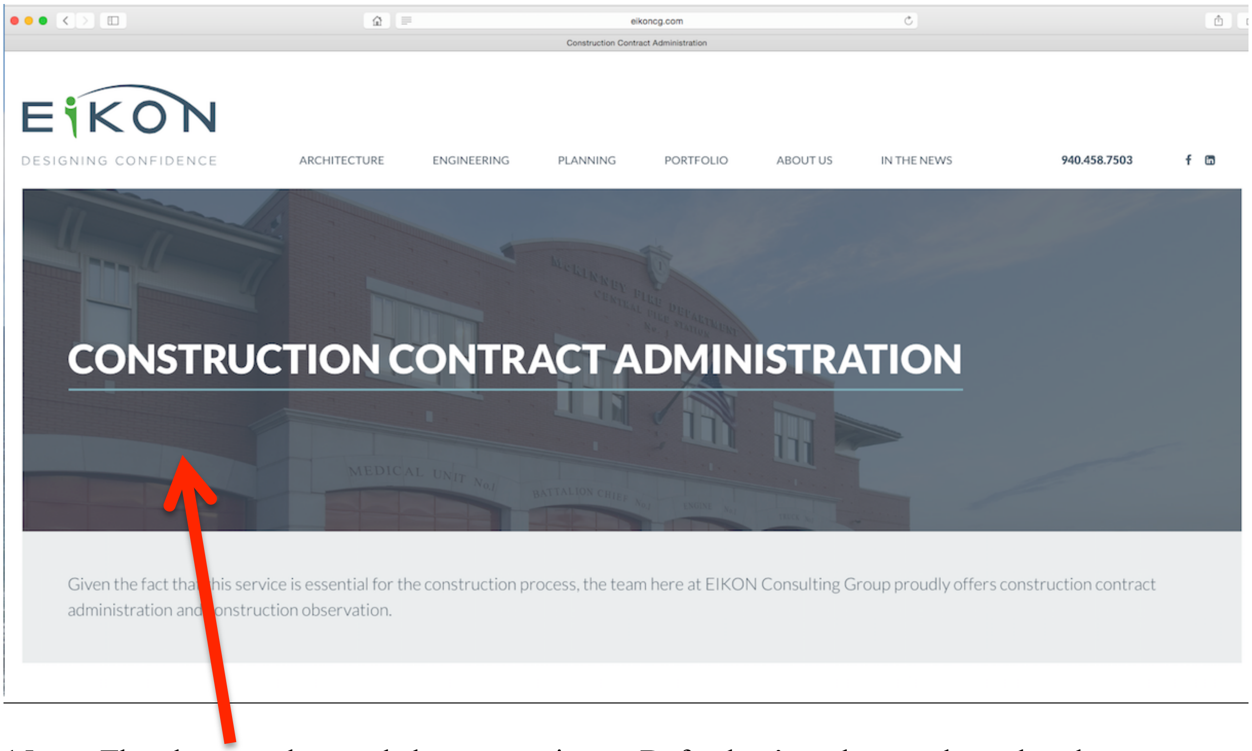
11. Harness, a professional photographer, is the sole member of RBH.

12. A copy of one of the photographs, which was filed as part of the Copyright, is depicted below wysong3699.jpg:

©BRIAN HARNESS 2007

13. In promotion of its business, Defendant, without permission from Harness or RBH, misappropriated this photograph and included the copyrighted photograph on its website.

14. A true and correct copy of the screenshots of Defendant's web page displaying wysong3699.jpg is attached hereto as Exhibit C:


eikoncg.com
Construction Contract Administration
EIKON
DESIGNING CONFIDENCE
ARCHITECTURE
ENGINEERING
PLANNING
PORTFOLIO
ABOUT US
IN THE NEWS
940.458.7503
CONSTRUCTION CONTRACT ADMINISTRATION
Given the fact tha his service is essential for the construction process, the team here at EIKON Consulting Group proudly offers construction contract administration and onstruction observation.

15. The photograph, noted above, remains on Defendant's web page through today.

16. Because Defendant had no permission to use the protected photograph, Defendant is liable for direct copyright infringement.

COUNT 1 – DIRECT COPYRIGHT INFRINGEMENT

17. RBH realleges paragraphs 1 through 16 as if set fully herein.

18. RBH alleges Defendant is liable for direct copyright infringement pursuant to 17 U.S.C. 501(a).

19. RBH has been damaged by Defendant's actions.

DEMAND FOR JURY TRIAL

Pursuant to FED. R. CIV. P. 38 and the 7th amendment of the U.S. Constitution, a trial by jury is hereby demanded.

DEMAND FOR RELIEF

WHEREFORE, Plaintiff RBH Energy, LLC demands that:

a. Defendant be found liable for direct copyright infringement;

b. Defendant be enjoined from reproducing, administering, displaying, or publishing RBH's copyrighted works;

c. Defendant be ordered to pay statutory damages pursuant to 17 U.S.C. § 504;

d. Defendant pay RBH's reasonable attorney's fees and costs of this action, pursuant to 17 U.S.C. § 505;

e. Defendant pay pre-judgment and post-judgment interest on any damages awarded; and

f. The Court award Plaintiff all other relief it deems justified.

Further, Plaintiff RBH Energy, LLC also reserves all of its rights to elect alternative remedies, including election of actual damages, as permitted by law.

Dated: May 23, 2017

Respectfully submitted,

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